

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HAROLD COLACCI,

Plaintiff,

Case No. 02-74985

v.

HONORABLE DENISE PAGE HOOD

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

I. INTRODUCTION

This matter is before the Court on Magistrate Judge Donald A. Scheer's Report and Recommendation dated July 13, 2008 [**Docket No. 22**], recommending that District Court GRANT Plaintiff's fee petition seeking \$5,000.00. The Government had no objections to the fee petition seeking the \$5,000.00, and have not filed any objections to the Report and Recommendation

II. STANDARD OF REVIEW

The standard of review to be employed by the Court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(c). This Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." Id.

III. ANALYSIS

The Social Security Act states that when a disability claimant is successful in Federal Court, the Court may authorize payment of reasonable attorney fees up to 25% of the claimant's back-due

benefits. 42 U.S.C. §406(b)(1). As noted prior, the government has no objection to the fee petition seeking the \$5,000.00 in fees, which represents less than 25% of the claimants retroactive benefits. This Court adopts the Magistrate Judge's Report and Recommendation.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Donald A. Scheer [**Docket No. 22, filed on July 13, 2007**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS ORDERED that Defendant Commissioner of Social Security pay attorney's fees to Plaintiff in the amount of \$5,000.00

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: May 15, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 15, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager